

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 17

The Montana Administrative Register (MAR or Register), a twice-monthly publication, has three sections. The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted. The Rule Adoption Section contains final rule notices which show any changes made since the proposal stage. All rule actions are effective the day after print publication of the adoption notice unless otherwise specified in the final notice. The Interpretation Section contains the Attorney General's opinions and state declaratory rulings. Special notices and tables are found at the end of each Register.

Inquiries regarding the rulemaking process, including material found in the Montana Administrative Register and the Administrative Rules of Montana, may be made by calling the Secretary of State's Office, Administrative Rules Services, at (406) 444-2055.

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BEFORE THE DEPARTMENT OF COMMERCE  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING  
ARM 8.99.917 pertaining to the ) ON PROPOSED AMENDMENT  
implementation of the Big Sky )  
Economic Development Trust )  
Program )

TO: All Concerned Persons

1. On September 30, 2015, at 1:00 p.m., the Department of Commerce will hold a public hearing in Room 226 of the Park Avenue Building, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Commerce will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Commerce no later than 5:00 p.m., September 28, 2015, to advise us of the nature of the accommodation that you need. Please contact Bonnie Martello, Department of Commerce, 301 South Park Avenue, P.O. Box 200501, Helena, Montana 59620-0501; telephone (406) 841-2596; TDD (406) 841-2701; facsimile (406) 841-2771; or e-mail to [bmartello@mt.gov](mailto:bmartello@mt.gov).

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

8.99.917 INCORPORATION BY REFERENCE OF RULES GOVERNING SUBMISSION AND REVIEW OF APPLICATIONS (1) The department adopts and incorporates by reference the 2016-2017 Big Sky Economic Development Trust Fund Application Guidelines, with the most current guidelines being posted on the Big Sky Economic Development Trust Fund web site, as rules governing the submission and review of applications under the program.

(2) remains the same.

(3) Copies of the regulations adopted by reference in (1) may be obtained from the Department of Commerce, Montana Office of Tourism and Business Development Division, 301 South Park Avenue, P.O. Box 200501, Helena, Montana 59620-0501, or on the web at <http://businessresources.mt.gov/BSTF>.

AUTH: 90-1-203, MCA

IMP: 90-1-203, 90-1-204, 90-1-205, MCA

REASON: The 2016-2017 Biennium Big Sky Economic Development Trust Fund Grant Application Guidelines are incorporated, by reference, into the rules to streamline the process for applicants and thereby making the program more accessible and easily understood.

4. Concerned persons may submit their data, views, or arguments in written form or a request for opportunity to submit data, views, or arguments in oral form to: Karyl Tobel, Office of Tourism and Business Development, 301 South Park Avenue, P.O. Box 200501, Helena, Montana, 59620-0501; telephone (406) 841-2732; TDD (406) 841-2731; facsimile (406) 841-2771; or e-mail to [karyl@mt.gov](mailto:karyl@mt.gov), and must be received no later than 5:00 p.m., October 8, 2015.

5. Ty Jones, Attorney, has been designated to preside over and conduct this hearing.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list may make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the Department of Commerce, 301 South Park Avenue, P.O. Box 200501, Helena, Montana 59620-0501, by fax to (406) 841-2701, by e-mail to [bmartello@mt.gov](mailto:bmartello@mt.gov), or by completing a request form at any rules hearing held by the department.

7. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses

/s/ G. Martin Tuttle  
G. MARTIN TUTTLE  
Rule Reviewer

/s/ Douglas Mitchell  
DOUGLAS MITCHELL  
Deputy Director  
Department of Commerce

Certified to the Secretary of State August 31, 2015.

BEFORE THE DEPARTMENT OF COMMERCE  
OF THE STATE OF MONTANA

In the matter of the repeal of ARM	)	NOTICE OF PROPOSED REPEAL
8.119.201, 8.119.202, 8.119.203,	)	
8.119.204, 8.119.205, 8.119.206,	)	NO PUBLIC HEARING
8.119.207, 8.119.208, and 8.119.209	)	CONTEMPLATED
pertaining to the Movie and TV	)	
Industries and Related Media–Tax	)	
Incentives	)	

1. On October 10, 2015, the Department of Commerce proposes to repeal the above-stated rules.

2. The Department of Commerce will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Commerce no later than 5:00 p.m. on October 7, 2015, to advise us of the nature of the accommodation that you need. Please contact Bonnie Martello, Paralegal, Director's Office, Department of Commerce, 301 South Park Avenue, P.O. Box 200501, Helena, Montana 59620-0501; telephone (406) 841-2596; fax (406) 841-2701; TDD (406) 841-2702; or e-mail [bmartello@mt.gov](mailto:bmartello@mt.gov).

3. The department proposes to repeal the following rules:

8.119.201 INTRODUCTION

AUTH: 15-31-904, MCA  
IMP: 15-31-904, MCA

8.119.202 DEFINITIONS

AUTH: 15-31-904, MCA  
IMP: 15-31-904, MCA

8.119.203 APPLICATION

AUTH: 15-31-904, MCA  
IMP: 15-31-904, MCA

8.119.204 FEATURE-LENGTH FILM

AUTH: 15-31-904, MCA  
IMP: 15-31-904, MCA

8.119.205 CERTIFICATION

AUTH: 15-31-904, MCA  
IMP: 15-31-904, MCA

8.119.206 NOTIFICATION

AUTH: 15-31-904, MCA  
IMP: 15-31-904, MCA

8.119.207 REVIEW

AUTH: 15-31-904, MCA  
IMP: 15-31-904, MCA

8.119.208 REVOCATION

AUTH: 15-31-904, MCA  
IMP: 15-31-904, MCA

8.119.209 CONTESTED CASE

AUTH: 15-31-904, MCA  
IMP: 15-31-904, MCA

REASON: In 2005, the legislature enacted a tax incentive titled the Big Sky on the Big Screen Act (Title 15, chapter 31, part 9, MCA). Under 15-31-904(6), MCA, the Department of Commerce was required to prescribe rules and procedures necessary for carrying out the provisions of the act. On January 1, 2015, the Big Sky on the Big Screen Act was terminated. Therefore, rules and procedures are no longer necessary. Further, the department no longer has the authority to promulgate rules relating to the now-terminated tax incentive.

4. Concerned persons may submit their data, views, or arguments in written form or a request for opportunity to submit data, views, or arguments in oral form to: Bonnie Martello, Paralegal, Department of Commerce, 301 South Park Avenue, P.O. Box 200501, Helena, Montana, 59620-0501; telephone (406) 841-2596; TDD (406) 841-2731; facsimile (406) 841-2701; or e-mail to [bmartello@mt.gov](mailto:bmartello@mt.gov), and must be received no later than 5:00 p.m., October 8, 2015.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Bonnie Martello at the above address no later than 5:00 p.m., October 8, 2015.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Ten percent of those directly affected has been determined to be zero, based on zero applicants. Notice of the hearing will be published in the Montana Administrative Register.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the repeal of the above-referenced rules will not significantly and directly impact small businesses.

/s/ G. Martin Tuttle  
G. MARTIN TUTTLE  
Rule Reviewer

/s/ Douglas Mitchell  
DOUGLAS MITCHELL  
Deputy Director  
Department of Commerce

Certified to the Secretary of State August 31, 2015.



BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY  
OF THE STATE OF MONTANA

In the matter of the amendment of ARM )  
17.74.359, 17.74.364, 17.74.401, )  
17.74.402, and 17.74.403 pertaining to )  
annual asbestos project permits, training )  
provider requirements, permit fees, )  
accreditation and accreditation renewal )  
fees, and course approval and renewal )  
fees, and the repeal of ARM 17.74.404 )  
pertaining to course audit fees )

NOTICE OF EXTENSION OF  
COMMENT PERIOD ON  
PROPOSED AMENDMENT AND  
REPEAL  
  
(ASBESTOS CONTROL)

TO: All Concerned Persons

1. On July 30, 2015, the Department of Environmental Quality published MAR Notice No. 17-371 regarding a notice of public hearing on the proposed amendment and repeal of the above-stated rules at page 974, 2015 Montana Administrative Register, Issue Number 14.

2. The department has received requests to extend the public comment period for the proposed amendment and repeal of the above-stated rules in order to take comments from the Asbestos Advisory Group, which was recently formed under authority of House Bill 434 passed by the 2015 Legislature. The department is accommodating this request and is extending the public comment period to address any comments received from Asbestos Advisory Group members and any other person who wishes to submit comments.

3. Written data, views, or arguments may be submitted to Elois Johnson, Paralegal, Department of Environmental Quality, 1520 E. Sixth Avenue, P.O. Box 200901, Helena, Montana, 59620-0901; faxed to (406) 444-4386; or e-mailed to [ejohnson@mt.gov](mailto:ejohnson@mt.gov), no later than November 2, 2015. To be guaranteed consideration, mailed comments must be postmarked on or before that date.

4. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking action or need an alternative accessible format of this notice. If you require an accommodation, contact Elois Johnson, Paralegal, no later than 5:00 p.m., September 21, 2015, to advise us of the nature of the accommodation that you need. Please contact Elois Johnson at Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2630; fax (406) 444-4386; or e-mail [ejohnson@mt.gov](mailto:ejohnson@mt.gov).

Reviewed by:

DEPARTMENT OF ENVIRONMENTAL  
QUALITY

/s/ John F. North  
JOHN F. NORTH  
Rule Reviewer

BY: /s/ Tom Livers  
TOM LIVERS, Director

Certified to the Secretary of State, August 31, 2015.

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY  
OF THE STATE OF MONTANA

In the matter of the amendment of ARM )	NOTICE OF PROPOSED
17.4.701, 17.4.702, and 17.4.703 pertaining) )	AMENDMENT AND REPEAL
to fees and the repeal of ARM 17.4.720, )	(MONTANA ENVIRONMENTAL
17.4.721, 17.4.722, 17.4.723, and 17.4.724 )	POLICY ACT)
pertaining to fee assessment categories )	
and departmental assistance to applicants )	
)	NO PUBLIC HEARING
)	CONTEMPLATED

TO: All Concerned Persons

1. On October 12, 2015, the Department of Environmental Quality proposes to amend and repeal the above-stated rules.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Elois Johnson, Paralegal, no later than 5:00 p.m., September 21, 2015, to advise us of the nature of the accommodation that you need. Please contact Elois Johnson at Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2630; fax (406) 444-4386; or e-mail [ejohnson@mt.gov](mailto:ejohnson@mt.gov).

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

17.4.701 FEES: DETERMINATION OF AUTHORITY TO IMPOSE

(1) Whenever an application for a lease, permit, contract, license, or certificate is expected to ~~result in~~ require the ~~agency incurring~~ department to incur expenses in excess of \$2,500 to compile an EIS, ~~and the department does not require payment of a fee pursuant to 75-1-205, MCA,~~ the applicant is required to pay a fee in an amount the agency reasonably estimates, as set forth in this rule, will be expended to gather information and data necessary to compile an EIS.

(2) If the department does not require payment of a fee pursuant to 75-1-205, MCA, ~~The agency the department~~ shall determine within 30 days after a completed application is filed whether it will be necessary to compile an EIS and assess a fee as prescribed by this rule. If it is determined that an EIS is necessary, ~~the agency~~ department shall make a preliminary estimate of its costs. This estimate must include a summary of the data and information needs and the itemized costs of acquiring the data and information, including salaries, equipment costs, and any other expense associated with the collection of data and information for the EIS.

(3) Whenever the preliminary estimated costs of acquiring the data and information to prepare an EIS total more than \$2,500, ~~and the department does not require payment of a fee pursuant to 75-1-205, MCA,~~ the agency department shall notify the applicant that a fee must be paid and submit an itemized preliminary

estimate of the cost of acquiring the data and information necessary to compile an EIS. The ~~agency~~ department shall also notify the applicant to prepare and submit a notarized and detailed estimate of the cost of the project being reviewed in the EIS within 15 days. In addition, the ~~agency~~ department shall request the applicant to describe the data and information available or being prepared by the applicant which can possibly be used in the EIS. The applicant may indicate which of the ~~agency's~~ department's estimated costs of acquiring data and information for the EIS would be duplicative or excessive. The applicant must be granted, upon request, an extension of the 15-day period for submission of an estimate of the project's cost and a critique of the agency's preliminary EIS data and information accumulation cost assessment.

AUTH: 75-1-202, MCA

IMP: 75-1-202, 75-1-203, 75-1-205, 75-1-206, 75-1-207, MCA

17.4.702 FEES: DETERMINATION OF AMOUNT (1) If the department determines that it will charge a fee pursuant to ARM 17.4.701, the department shall. ~~After receipt of the applicant's estimated cost of the project and analysis of an agency's~~ the department's preliminary estimate of the cost of acquiring information and data for the EIS, ~~the agency shall~~ notify the applicant within 15 days of the final amount of the fee to be assessed. The fee assessed must be based on the projected cost of acquiring all of the information and data needed for the EIS. If the applicant has gathered or is in the process of gathering information and data that can be used in the EIS, the ~~agency~~ department shall ~~only use~~ only that portion of the fee that is needed to verify the information and data. Any unused portion of the fee assessed may be returned to the applicant within a reasonable time after the information and data have been collected or the information and data submitted by the applicant have been verified, but in no event later than the deadline specified in these rules. The ~~agency~~ department may extend the 15-day period provided for review of the applicant's submittal but not to exceed 45 days if it believes that the project cost estimate submitted is inaccurate or additional information must be obtained to verify the accuracy of the project cost estimate. The fee assessed must not exceed the limitations provided in 75-1-203(2), MCA.

(2) If an applicant believes that the fee assessed is excessive or does not conform to the requirements of this rule or Title 75, chapter 1, part 2, MCA, the applicant may request a hearing pursuant to the contested case provisions of the Montana Administrative Procedure Act. If a hearing is held on the fee assessed as authorized by this subsection, the ~~agency~~ department shall proceed with its analysis of the project wherever possible. The fact that a hearing has been requested is not grounds for delaying consideration of an application except to the extent that the portion of the fee in question affects the ability of the department to collect the data and information necessary for the EIS.

AUTH: 75-1-202, MCA

IMP: 75-1-202, 75-1-203, 75-1-205, 75-1-206, 75-1-207, MCA

17.4.703 USE OF FEE (1) The fee assessed ~~hereunder~~ pursuant to ARM

17.4.701 may only be used to gather data and information necessary to compile an EIS. No fee may be assessed if ~~an agency~~ the department intends only to compile an EA or a programmatic review. If a department collects a fee and later determines that additional data and information must be collected or that data and information supplied by the applicant and relied upon by the ~~agency~~ department are inaccurate or invalid, an additional fee may be assessed under the procedures outlined in these rules if the maximum fee has not been collected.

(2) Whenever the ~~agency~~ department has completed work on the EIS, it shall submit to the applicant a complete accounting of how any fee was expended. If the money expended is less than the fee collected, the remainder of the fee shall be refunded to the applicant without interest within 45 days after work has been completed on the final EIS

AUTH: 75-1-202, MCA

IMP: 75-1-202, 75-1-203, 75-1-205, 75-1-206, 75-1-207, MCA

4. The rules proposed for repeal are as follows:

17.4.720 FEE ASSESSMENT CATEGORIES: GENERAL REQUIREMENT  
(AUTH: 75-1-202, MCA; IMP: 75-1-202, MCA), located at page 17-161, Administrative Rules of Montana.

17.4.721 FEE ASSESSMENT CATEGORIES: HARD ROCK (AUTH: 75-1-202, MCA; IMP: 75-1-202, MCA), located at page 17-161, Administrative Rules of Montana.

17.4.722 FEE ASSESSMENT CATEGORIES: OPEN CUT (AUTH: 75-1-202, MCA; IMP: 75-1-202, MCA), located at page 17-162, Administrative Rules of Montana.

17.4.723 FEE ASSESSMENT CATEGORIES: STRIP AND UNDERGROUND MINE SITING (AUTH: 75-1-202, MCA; IMP: 75-1-202, MCA), located at pages 17-162 and 17-163, Administrative Rules of Montana.

17.4.724 FEE ASSESSMENT CATEGORIES: STRIP AND UNDERGROUND MINE RECLAMATION (AUTH: 75-1-202, MCA; IMP: 75-1-202, MCA), located at pages 17-163 and 17-164, Administrative Rules of Montana.

REASON: ARM 17.4.701 to 17.4.725 implement 75-1-202, MCA. That statute, which became law in 1975, provides that an agency may adopt rules providing that a permit applicant, who files an application that requires preparation of an EIS, must pay a fee that the agency will use to pay the cost of collecting data and information necessary to prepare the EIS. Section 75-1-203, MCA, sets a cap, which is a percentage of the cost of the project for which the permit is sought, on the amount of fees that the applicant may be required to pay.

In 2005, the Legislature amended 75-1-205, MCA, to provide a second EIS fee that is independent of the fee authorized in 75-1-202, MCA. As amended, 75-1-

205 provides that an agency may charge a permit applicant a fee sufficient to pay all costs of preparing an EIS, not just the cost of data and information collection. In addition, this statute contains no cap. It further provides that, if the agency cannot make the findings required in 75-1-205(1)(a) for assessment of a fee under that statute, the agency may charge a fee under 75-1-202, MCA.

The amendments to ARM 17.4.701, 17.4.702, and 17.4.703 amend those rules to provide that they are applicable only when a fee is not charged under 75-1-205, MCA. This conforms these rules to 75-1-202 and 75-1-205, MCA, as they currently read. In addition, the amendments substitute the word "department" for "agency" for clarification.

ARM 17.4.720 through 17.4.724 provide categories of project cost for use determining the cost of mining projects in order to implement 75-1-202, MCA. These rules are unnecessary because project costs can be determined without rules that require that the costs be broken down into categories. In fact, the department has no similar rules for most of the types of projects that it permits. Furthermore, allowing these rules to remain in effect could mislead permit applicants into preparing unnecessary and useless cost estimates as part of their preparation of a permit application.

5. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to Elois Johnson at Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2630; fax (406) 444-4386; or e-mail [ejohnson@mt.gov](mailto:ejohnson@mt.gov), no later than October 8, 2015. To be guaranteed consideration, mailed comments must be postmarked on or before that date.

6. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to Elois Johnson at Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2630; fax (406) 444-4386; or e-mail [ejohnson@mt.gov](mailto:ejohnson@mt.gov), no later than October 8, 2015.

7. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be more than 25 persons based on the more than 250 persons who could submit a permit application that would require preparation of an EIS.

8. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the

person wishes to receive notices regarding: air quality; hazardous waste/waste oil; asbestos control; water/wastewater treatment plant operator certification; solid waste; junk vehicles; infectious waste; public water supply; public sewage systems regulation; hard rock (metal) mine reclamation; major facility siting; opencut mine reclamation; strip mine reclamation; subdivisions; renewable energy grants/loans; wastewater treatment or safe drinking water revolving grants and loans; water quality; CECRA; underground/above ground storage tanks; MEPA; or general procedural rules other than MEPA. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to Elois Johnson, Paralegal, Department of Environmental Quality, 1520 E. Sixth Ave., P.O. Box 200901, Helena, Montana 59620-0901, faxed to the office at (406) 444-4386, e-mailed to Elois Johnson at [ejohnson@mt.gov](mailto:ejohnson@mt.gov), or may be made by completing a request form at any rules hearing held by the department.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment and repeal of the above-referenced rules will not significantly and directly impact small businesses.

Reviewed by:

DEPARTMENT OF ENVIRONMENTAL  
QUALITY

/s/ John F. North  
JOHN F. NORTH  
Rule Reviewer

BY: /s/ Tom Livers  
TOM LIVERS, Director

Certified to the Secretary of State, August 31, 2015.

BEFORE THE BOARD OF BARBERS AND COSMETOLOGISTS  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PUBLIC HEARING ON
ARM 24.121.301 definitions,	)	PROPOSED AMENDMENT
24.121.406 nonroutine applications,	)	
24.121.407 premises and general	)	
requirements, 24.121.601,	)	
24.121.603, 24.121.605, and	)	
24.121.607 pertaining to licensing,	)	
24.121.602 military training or	)	
experience, 24.121.801, 24.121.803,	)	
24.121.805, 24.121.807, and	)	
24.121.808 pertaining to school	)	
operations, 24.121.1301 salons/booth	)	
rental, 24.121.1514 disinfecting	)	
agents, 24.121.1517 salon	)	
preparation storage and handling,	)	
and 24.121.1522 blood spills	)	

TO: All Concerned Persons

1. On October 2, 2015, at 10:00 a.m., a public hearing will be held in the Large Conference Room, 301 South Park Avenue, 4th Floor, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Barbers and Cosmetologists (board) no later than 5:00 p.m., on September 25, 2015, to advise us of the nature of the accommodation that you need. Please contact Sharon Peterson, Board of Barbers and Cosmetologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2375; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or dlibsdcos@mt.gov (board's e-mail).

3. GENERAL STATEMENT OF REASONABLE NECESSITY: The 2015 Montana Legislature enacted Chapter 15, Laws of 2015 (House Bill 81), an act providing for a barbering nonchemical license and providing rulemaking authority for the board to implement the scope of practice and regulations for the barbering nonchemical license and schools that teach barbering nonchemical. The bill was signed by the Governor on February 17, 2015, and will become effective October 1, 2015.

With the advent of the barber nonchemical license, the board determined it is reasonably necessary to amend several rules to implement the legislation and the



new license type. Where additional specific bases for a proposed action exist, the board will identify those reasons immediately following that rule.

4. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

24.121.301 DEFINITIONS (1) "Approved electrical appliances" are any electrical appliances that assist in the performance of services under the a defined esthetics scope of practice.

(2) "Barber" and "Barbering" include barber nonchemical and barbering nonchemical, unless otherwise specified in these rules.

(2) through (6) remain the same, but are renumbered (3) through (7).

(7) (8) "Chemical compounds" means professionally formulated makeup or cosmetic preparations, tonics, lotions, creams, waxes, depilatories, antiseptics, and other skin care and beautification products used in approved esthetics courses in Montana the performance of services under a defined scope of practice.

(8) through (35) remain the same, but are renumbered (9) through (36).

AUTH: 37-1-131, 37-1-319, 37-31-203, 37-31-204, MCA

IMP: 37-31-101, 37-31-203, 37-31-204, 37-31-303, 37-31-305, 37-31-309, 37-31-311, MCA

REASON: After reviewing this rule, the board is amending the definitions of "approved electrical appliances" and "chemical compounds" to clarify that neither term is limited to the practice of esthetics. The board points out that these terms are, in fact, utilized in several licensed scopes of practice. The amendments will also make the language of the sections of this rule internally consistent.

24.121.406 NONROUTINE APPLICATIONS (1) and (1)(a) remain the same.

(i) ~~a felony conviction of any nature, or a misdemeanor conviction relating to sex or violence,~~ if the sentence imposed for any such conviction has not been fully discharged or if the conviction was entered within the past ten years;

(ii) any conviction involving use or sale of drugs, fraud, deceit, or theft, pursuant to 37-1-316(1), MCA, unless the conviction occurred more than five years before application and all court-ordered conditions have been satisfied, discharged, or dismissed if the sentence imposed for any such conviction has not been fully discharged or if the conviction was entered within the past five years;

(iii) a misdemeanor conviction relating to sex or violence, or three or more misdemeanor convictions; that have occurred within five years of application, which include, but are not limited to, the following traffic-related crimes:

~~(A) reckless driving;~~

~~(B) DUI; and~~

~~(C) hit-and-run; or~~

(iv) a pending criminal charge if, as a conviction, it would cause the application to be "nonroutine" under any part of (a)(i) through (iii); or, A criminal charge resulting in a deferred sentence that has not been discharged as of the date of application is considered a conviction for purposes of determining whether the

~~application is nonroutine. Misdemeanor traffic convictions not involving alcohol or drugs will not cause an application to be considered nonroutine.~~

(v) for the purposes of this rule, a criminal charge resulting in a deferred sentence that has not been discharged as of the date of application is considered a conviction for purposes of determining whether the application is nonroutine. Misdemeanor traffic convictions not involving alcohol or drugs will not cause an application to be considered nonroutine.

(b) through (f) remain the same.

AUTH: 37-1-131, 37-31-203, MCA

IMP: 37-1-101, 37-1-131, 37-1-307, MCA

REASON: The board recently adopted this rule in MAR Notice No. 24-121-12. The board is amending it now to provide a more efficient and understandable licensing process and to fulfill its statutory responsibility to clearly define what constitutes a routine license application which may be processed by staff without board review.

24.121.407 PREMISES AND GENERAL REQUIREMENTS (1) and (2) remain the same.

(3) ~~No other business, service, or practice may can be conducted or provided~~ in a salon, shop, or school, except those regulated by the board or related to the industries regulated by the board, unless separated by a full-length partition.

(4) through (6)(b) remain the same.

(i) ~~provides the board with~~ proof of current rabies vaccination records for each dog on the premises, and makes such proof available to the board inspector;

(ii) ~~provides the board with~~ a certificate of insurance for liability insurance covering each dog on the premises and maintains a copy of the certificate on the premises; and

(iii) through (7) remain the same.

AUTH: 37-1-131, 37-31-203, 37-31-204, MCA

IMP: 37-31-204, 37-31-311, MCA

REASON: In response to repeated questions regarding the use of salons for more and more peripheral activities, the board is amending (3) to clarify the board's intent to strictly limit the use of salons for other activities. The board is amending (6) simply to clarify that the board has not and does not require that licensees submit proof of rabies vaccination and insurance to the board, but instead must continue to maintain the documentation.

24.121.601 LICENSURE BY EXAMINATION (1) through (3)(a) remain the same.

(b) For a barber nonchemical license:

(i) proof of age;

(ii) proof of graduation from an approved school or course of barbering with at least 1000 hours of training as provided in ARM 24.121.604(3);

~~(iii) proof of high school diploma or its equivalent as provided in ARM 24.121.610;~~

~~(iv) proof of passage of a board-approved examination in barbering or barbering nonchemical.~~

~~(b) through (e) remain the same, but are renumbered (c) through (f).~~

~~(f)(g) For an instructor license see ARM 24.121.607:~~

~~(i) proof of a current Montana license under this chapter for barbering, cosmetology, electrology, manicuring, or esthetics;~~

~~(ii) proof of graduation from an approved school or course of teacher training with at least 650 hours of training as outlined in ARM 24.121.1105, or three years of experience working in the area of practice pursuant to 37-31-305, MCA;~~

~~(iii) proof of high school diploma or its equivalent as provided in ARM 24.121.610; and~~

~~(iv) proof of passage of a board-approved examination in teacher training.~~

~~(4) through (6) remain the same.~~

AUTH: 37-1-131, 37-31-203, MCA

IMP: 37-31-303, 37-31-304, 37-31-308, MCA

REASON: The board recently amended its licensure rules and adopted new rules in MAR Notice No. 24-121-12 to implement changes to 37-31-305, MCA, by Senate Bill 343 (2013), and provide an alternative pathway to instructor licensure. Following the effective date of the rule changes, the board concluded the criteria for the instructor license would be better located in ARM 24.121.607. The board is now amending (3)(f) accordingly, to align this rule with 37-31-305, MCA, and improve the organization and understandability of the rules.

24.121.602 MILITARY TRAINING OR EXPERIENCE (1) Pursuant to 37-1-145, MCA, the board shall accept relevant military training, service, or education toward the requirements for licensure as a barber, barber nonchemical, cosmetologist, electrologist, manicurist, or esthetician.

(2) remains the same.

(3) An applicant must submit satisfactory evidence of receiving military training, service, or education that is equivalent to relevant licensure requirements as a barber, barber nonchemical, cosmetologist, electrologist, manicurist, or esthetician. At a minimum, satisfactory evidence shall include:

(a) a copy of the applicant's military discharge document (DD 214) or other discharge documentation;

(b) through (4) remain the same.

AUTH: 37-1-145, MCA

IMP: 37-1-145, MCA

REASON: It has come to the department's attention that certain military personnel (reservists and national guardsmen who have never been activated), in fact, do not receive a DD 214 form upon their discharge from the military. Because the rule may be interpreted to absolutely require a DD 214 from all applicants who wish to submit

evidence of relevant military training, service, or education as part of the licensure process, the board is amending this rule to clarify that the board may consider other evidence of military discharge in addition to or in lieu of a DD 214 form.

24.121.603 LICENSURE BY CREDENTIALING WITH AN OUT-OF-STATE LICENSE (1) through (3)(a) remain the same.

(b) For a barber nonchemical license:

(i) proof of age;

(ii) proof of current unencumbered barber license in another state;

(iii) license verification from each state or jurisdiction the applicant has been licensed in, whether the license is current or not; and

(iv) proof of passage of a board-approved examination in barbering or barbering nonchemical.

(b) through (e) remain the same, but are renumbered (c) through (f).

(4) through (9) remain the same.

AUTH: 37-1-131, 37-31-203, MCA

IMP: 37-1-304, 37-31-303, 37-31-304, 37-31-305, 37-31-308, MCA

24.121.605 APPLICATION FOR POSTSECONDARY SCHOOL LICENSURE

(1) through (2)(a) remain the same.

(b) barbering nonchemical school;

(b) remains the same, but is renumbered (c).

(i) remains the same.

(ii) barbering nonchemical;

(ii) through (iv) remain the same, but are renumbered (iii) through (v).

(c) through (f) remain the same, but are renumbered (d) through (g).

(3) School applicants shall present a bond or other security for each course in the amount of \$5000 and in a form and manner prescribed by the board. The bond or other security may only be used to provide a refund of prepaid tuition to enrolled students in the event the school ceases to operate or otherwise is unable to complete the course of instruction.

~~(a) The bond or other security may only be used to provide a refund of prepaid tuition to enrolled students in the event the school ceases to operate or otherwise is unable to complete the course of instruction.~~

~~(b) Cosmetology schools offering courses in barbering, esthetics, manicuring, teacher training, and/or supplemental barbering shall be required to post a \$5000 bond or other security for each course.~~

(4) through (11) remain the same.

AUTH: 37-1-131, 37-31-203, MCA

IMP: 37-31-101, 37-31-302, 37-31-311, 37-31-312, MCA

REASON: The board determined it is reasonably necessary to amend (3) and clarify that the \$5000 bond required by law is mandatory for all licensed schools, not just cosmetology schools, and must be posted for each course offered. This

inconsistency has been pointed out by school owners from time-to-time, and the board believes the language should be corrected at this time.

24.121.607 APPLICATION FOR INSTRUCTOR LICENSE (1) remains the same.

- ~~(a) record of hours showing the number of hours completed;~~
- ~~(b) a diploma issued for a teacher-training course;~~
- ~~(c) an attestation that the applicant meets the requirement of being actively engaged in the particular practice as required in 37-31-305, MCA; and~~
- ~~(d) proof of passage of the board-approved exam.~~
- (a) proof of high school diploma or its equivalent as provided in ARM

24.121.610:

- (b) proof of passage of the board-approved instructor exam; and
- (c) either:
  - (i) an attestation of having been employed and working for at least 1500 hours, in the particular area of practice that they will teach, during any one-year period prior to applying and a diploma evidencing completion of the 650-hour student teacher-training course required by 37-31-305, MCA; or
  - (ii) an attestation of having been employed and working for at least 1500 hours per year, in the particular area of practice that they will teach, for any three years prior to applying (a total of at least 4500 hours). An applicant granted a license based on this subsection may not renew the license for any period beyond two years after initial licensure, nor be granted a second license under this subsection, unless the applicant completes the board-approved coursework related to teaching methodology set forth in ARM 24.121.1105.
- ~~(2) Applicants shall obtain a license within three years of graduating from an approved teacher-training course.~~
- ~~(3) (2) The board shall accept hours of instruction from out-of-state approved schools towards fulfillment of the hour requirements for licensure.~~
- (3) A licensee may not renew an instructor license, unless at the time of renewal, the licensee has at least one currently active license pursuant to which the licensee may engage in a particular area of practice.
- (4) A licensed instructor may only offer instruction in the particular areas of practice in which the instructor is currently and actively licensed to practice.

AUTH: 37-1-131, 37-31-203, MCA

IMP: 37-31-302, 37-31-303, 37-31-305, 37-31-308, MCA

REASON: See REASON for ARM 24.121.601.

The board has always intended that instructors must maintain active licensure in each area of practice in which they will provide instruction, and believes this is at least implied in this rule. The board determined it is reasonably necessary to amend (3) and (4) to clarify this intent by requiring instructors to do so as a condition to renew their instructor license and by expressly limiting the instructor to teaching only those courses related to the areas of practice in which they are currently licensed.

24.121.801 INSPECTION - SCHOOL LAYOUT (1) and (2) remain the same.

(a) Barbering and cosmetology schools shall have floor space of at least 1500 square feet for the first 25 students and 60 square feet for each additional student, including ~~locker room and~~ office space.

(b) Electrology schools shall have floor space of at least 1000 square feet for the first ten students and 80 square feet for each additional student, including ~~locker room,~~ office space and reception area.

(c) Esthetics schools shall have floor space of at least 900 square feet for the first ten students and 90 square feet for each additional student, including ~~locker room and~~ office space.

(d) Manicuring schools shall have floor space of at least 450 square feet for the first ten students and 45 square feet for each additional student, including ~~locker room and~~ office space.

(3) through (5) remain the same.

AUTH: 37-1-131, 37-31-203, 37-31-311, MCA

IMP: 37-31-311, 37-31-312, MCA

REASON: After generally reviewing its rules, the board is amending this rule to strike references to locker rooms, which are neither required by rule, nor used in the industry.

24.121.803 SCHOOL REQUIREMENTS (1) through (3) remain the same.

(4) Schools shall display at the entrance a large legible sign with letters not less than two inches in size with the words "School of Barbering," "School of Barbering Nonchemical," "School of Cosmetology," "School of Electrology," "School of Esthetics," or "School of Manicuring" permanently affixed to the facility as to not be easily altered or removed by weather or individuals. Similar signs with the words "Student Work Only" shall be posted within each classroom and on the clinic floor.

(5) remains the same.

(6) Barbering schools, barbering nonchemical schools, or cosmetology schools offering a separate barbering course, barbering nonchemical course, or supplemental barbering course, regardless of the number of students enrolled, shall provide certain equipment as follows:

(a) through (11) remain the same.

AUTH: 37-1-131, 37-31-203, 37-31-311, MCA

IMP: 37-31-311, MCA

24.121.805 SCHOOL OPERATING STANDARDS (1) through (12)(a) remain the same.

(b) barbering nonchemical students - 150 hours;

(b) through (e) remain the same, but are renumbered (c) through (f).

(13) through (16) remain the same.

AUTH: 37-1-131, 37-31-203, 37-31-311, MCA

IMP: 37-31-311, MCA

24.121.807 SCHOOL CURRICULA (1) and (2) remain the same.

(3) The required curriculum for barbering nonchemical students is as follows:

(a) 1000 hours of training, of which at least 100 hours is, in theory, distributed as follows:

(i) haircutting (including proper use of implements, e.g., shears, razors, clippers, and thinning shears), 250 hours;

(ii) shampoo, scalp treatment, and hair styling (thermal and air styling, and hair pieces to include weaves and extensions), 230 hours;

(iii) skin care (including facial shaving, facials, massage, essential oils, and facial masks), 60 hours;

(iv) chemistry, bacteriology, sanitation, sterilization, safety, skin, hair, and scalp anatomy, physiology, blood spill procedure, and diseases and disorders of skin, hair, and scalp, 85 hours; and

(v) shop management, business methods, customer service, appointment book, professional ethics, current state board laws and rules, business ethics, and personal grooming, 100 hours.

(b) 275 hours of instruction shall be at the discretion of the school, provided that the hours are within the applicable curriculum.

(3) through (7) remain the same, but are renumbered (4) through (8).

AUTH: 37-1-131, 37-31-203, 37-31-311, MCA

IMP: 37-31-101, 37-31-304, 37-31-305, 37-31-311, MCA

24.121.808 CREDITED HOURS FOR MONTANA-LICENSED INDIVIDUALS IN A COSMETOLOGY OR BARBERING PROGRAM (1) and (1)(a) remain the same.

(b) licensed barber nonchemical 1000 hours;

(b) through (d) remain the same, but are renumbered (c) through (e).

(2) remains the same.

AUTH: 37-1-131, 37-31-203, 37-31-304, MCA

IMP: 37-1-131, 37-31-203, 37-31-304, MCA

24.121.1301 SALONS/BOOTH RENTAL (1) through (4)(c) remain the same.

(d) one covered garbage container; and

(e) one enclosed dust free cabinet for the storage of cleaned towels; and

(f) a mechanical ventilation or air purifier system:

(i) providing the total cubic square feet of the salon or shop with at least four air changes per hour; and

(ii) operating continuously during business hours. Doors and windows are not acceptable for the ventilation requirement.

(5) through (11) remain the same.

AUTH: 37-1-131, 37-31-203, 37-31-204, MCA

IMP: 37-31-204, 37-31-302, 37-31-309, 37-31-312, MCA

REASON: In MAR Notice No. 24-121-12, the board amended ARM 24.121.605, 24.121.803, and 24.121.1301 regarding standards for buildings occupied as salons, shops, and schools. The board is amending this rule now to align with changes made to ARM 24.121.803 in the prior rules project.

24.121.1514 DISINFECTING AGENTS (1) and (2) remain the same.

(3) All equipment and implements used in barbering, cosmetology, electrology, esthetics, or manicuring must be cleaned and disinfected, ~~at a minimum,~~ by complete immersion in a an EPA-registered, bactericidal, virucidal, and fungicidal (formulated for hospitals) disinfectant that is mixed and used according to the manufacturer's directions, ~~as follows:~~

~~(a) a disinfectant that is effective against HIV-1, human Hepatitis B virus, or Tuberculocidal for equipment and implements that have come in contact with blood, bodily fluids, and/or mucous membrane; and~~

~~(b) a bactericidal, virucidal, fungicidal, and pseudomonacidal (formulated for hospitals) disinfectant for equipment and implements that have not come in contact with blood, bodily fluids, and/or mucous membrane.~~

AUTH: 37-1-131, 37-31-203, 37-31-204, MCA

IMP: 37-31-204, MCA

REASON: The board has historically aligned its sanitation standards with the standards and procedures adopted by the National-Interstate Council of State Boards of Cosmetology (NIC) regarding blood exposure and the use of disinfecting agents. The board is amending this rule and ARM 24.121.1522 to update to the current blood exposure procedure amended by the NIC in August 2014.

24.121.1517 SALON PREPARATION STORAGE AND HANDLING

(1) remains the same.

(2) ~~Material Safety Data Sheets (MSDS)~~ (SDS) relative to product ingredients, proper use, storage, disposal, and hazards for products in use at salons, shops, and schools, shall be kept on the premises and available upon need or request by the public, the board, or the board inspector.

(3) through (10) remain the same.

AUTH: 37-1-131, 37-31-203, 37-31-204, MCA

IMP: 37-31-204, 37-31-312, MCA

REASON: The board is amending this rule to reflect the current terminology used by the Occupational Safety and Health Administration, referencing "material safety data sheets" as simply "safety data sheets."

24.121.1522 BLOOD SPILLS (1) through (1)(c) remain the same.

~~(d) blood-stained tissue, cotton, or other blood-contaminated material shall be placed in a sealed plastic bag and that plastic bag shall be placed into another plastic bag (double bagged), labeled with a red or orange biohazard warning, and discarded~~ bagged and disposed of in the trash;



(e) through (2) remain the same.

AUTH: 37-1-131, 37-31-203, 37-31-204, MCA

IMP: 37-31-204, MCA

REASON: See REASON for ARM 24.121.1514.

5. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Barbers and Cosmetologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to [dlibsdcos@mt.gov](mailto:dlibsdcos@mt.gov) and must be received no later than 5:00 p.m., October 9, 2015.

6. An electronic copy of this notice of public hearing is available at [www.cosmetology.mt.gov](http://www.cosmetology.mt.gov) (department and board's web site). The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

7. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Barbers and Cosmetologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to [dlibsdcos@mt.gov](mailto:dlibsdcos@mt.gov) or made by completing a request form at any rules hearing held by the agency.

8. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted on May 14, 2015, by electronic mail.

9. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendments of ARM 24.121.301, 24.121.406, 24.121.407, 24.121.601, 24.121.602, 24.121.603, 24.121.605, 24.121.607, 24.121.801, 24.121.803, 24.121.805, 24.121.807, 24.121.808, 24.121.1301, 24.121.1514,

24.121.1517, and 24.121.1522 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations is available upon request to the Board of Barbers and Cosmetologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to [dlibsdcos@mt.gov](mailto:dlibsdcos@mt.gov).

10. Tyler Moss, attorney, has been designated to preside over and conduct this hearing.

BOARD OF BARBERS AND  
COSMETOLOGISTS  
WENDELL PETERSEN, PRESIDENT

/s/ DARCEE L. MOE  
Darcee L. Moe  
Rule Reviewer

/s/ PAM BUCY  
Pam Bucy, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State August 31, 2015

BEFORE THE BOARD OF MILK CONTROL  
AND THE DEPARTMENT OF LIVESTOCK  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PROPOSED  
ARM 32.23.102 and 32.23.301 and ) AMENDMENT AND ADOPTION  
the adoption of New Rule I pertaining )  
to licensee assessments ) NO PUBLIC HEARING  
) CONTEMPLATED

TO: All Concerned Persons

1. On October 19, 2015, the Board of Milk Control (board) and the Department of Livestock (department) propose to amend and adopt the above-stated rules.

2. The board and department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. on September 30, 2015, to advise us of the nature of the accommodation that you need. Please contact Christian Mackay, Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: 1 (800) 253-4091; fax: (406) 444-1929; e-mail: cmackay@mt.gov.

3. The board proposes to amend the following rules, new matter underlined, deleted matter interlined:

32.23.102 TRANSACTIONS INVOLVING THE PURCHASE AND RESALE OF MILK WITHIN THE STATE (1) As an aid to the efficient collection of license fees and assessments, each distributor who purchases milk from producers shall deduct from payments due such producers any license fees and administrative assessments due the department from such producers under 81-23-202 and 81-23-105, MCA. The distributor shall transmit such fees and assessments to the department together with a statement of individual producer assessment payments. Assessments under 81-23-202, MCA, shall be reported and paid ~~at least quarterly~~ monthly, as provided in that section. Assessments under 81-23-105, MCA, and ARM 32.23.302 shall be separately reported and paid monthly.

(2) through (16) remain the same.

AUTH: 81-23-104, 81-23-105, 81-23-202, MCA  
IMP: 81-23-103, 81-23-105, 81-23-202, 81-23-402, MCA

REASON: The board proposes to amend the above-stated rule to conform with 81-23-202(5), MCA (2015), requiring payment of the fee on a monthly basis.

32.23.301 LICENSEE ASSESSMENTS (1) through (1)(d) remain the same.

~~(e) A fee of \$0.155 per hundredweight per month, with a minimum of \$50.00 per month, whichever is greater, or a maximum of \$1,050.00 per month, on the volume of all classes of milk produced and sold by a person licensed by the department, to be used for the administration of the milk inspection and milk diagnostic laboratory functions of the department.~~

~~(i) This fee, pursuant to 81-23-202(4)(a), MCA, must be paid quarterly before January 15, April 15, July 15, and October 15 for the prior quarter of each year.~~

~~(2) The fee assessed in (1) must be paid before the 25th day of each month for milk sold in the preceding month.~~

~~(3) The fee assessed in (1) must be paid to the department in accordance with ARM 32.23.102(1).~~

AUTH: 81-1-102, 81-23-104, 81-23-202, MCA

IMP: 81-1-102, 81-23-103, 81-23-202, MCA

REASON: The board proposes to amend the above-stated rule to clarify that the department is the agency authorized under 81-23-202(4)(a), MCA, to assess the milk inspection and laboratory administration fee and to conform with 81-23-202(5), MCA (2015), requiring payment of the fee assessed in (1) on a monthly basis.

The fee collected under the proposed amended rule will have no fiscal impact on the public because the new rule changes the location of the rule without changing the amount of the fee currently assessed or the persons who are assessed the fee in ARM 32.23.301(1)(e). There were 68 persons in the state who have paid cumulative fees of \$33,723.69 in July 2015.

4. The department proposes to adopt the following rule:

NEW RULE I LICENSEE ASSESSMENTS (1) Pursuant to 81-23-202, MCA, the following assessment is levied: a fee of \$0.155 per hundredweight per month, with a minimum of \$50.00 per month, whichever is greater, or a maximum of \$1,050.00 per month, on the volume of all classes of milk produced and sold by a person licensed by the department, to be used for the administration of the milk inspection and milk diagnostic laboratory functions of the department.

(2) The fee assessed in (1) must be paid before the 25th day of each month for milk sold in the preceding month.

(3) The fee assessed in (1) must be paid to the department in accordance with ARM 32.23.102(1).

AUTH: 81-1-102, 81-23-202, MCA

IMP: 81-1-102, 81-23-202, MCA

REASON: The department proposes the above-stated rule to clarify that the department is the agency authorized under 81-23-202(4)(a), MCA, to assess the milk inspection and laboratory administration fee and to conform with 81-23-202(5), MCA (2015), requiring payment of the fee assessed in (1) on a monthly basis.

The fee collected under the proposed new rule will have no fiscal impact on the public because the new rule changes the location of the rule without changing the amount of the fee currently assessed or the persons who are assessed the fee in ARM 32.23.301(1)(e). Presently there are 68 persons in the state who have paid cumulative fees of \$33,723.69 in July 2015.

5. Concerned persons may submit their data, views, or arguments in writing concerning the proposed action to Christian Mackay, Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov to be received no later than 5:00 p.m., October 13, 2015.

6. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as in 5 above. The written request for hearing must be received no later than 5:00 p.m., September 30, 2015.

7. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 7 persons, based upon the estimate that approximately 68 producers and producer-distributors operate in Montana.

8. The board and department maintain lists of interested persons who wish to receive notices of rulemaking actions proposed by these agencies. Persons who wish to have their name added to the lists shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 5 above or may be made by completing a request form at any rules hearing held by the board and department.

9. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

10. The bill sponsor contact requirements of 2-4-302, MCA, do apply and have been fulfilled. The primary bill sponsor, Senator Taylor Brown, was contacted by telephone at 406-252-6661 and e-mail at taylor@northernbroadcasting.com on August 31, 2015.

11. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment and adoption of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Scott Mitchell  
Scott Mitchell  
Chair  
Board of Milk Control

/s/ Sherry Rust  
Sherry Rust  
Rule Reviewer

/s/ Christian Mackay  
Christian Mackay  
Executive Officer  
Department of Livestock

Certified to the Secretary of State August 31, 2015.

BEFORE THE BOARD OF OIL AND GAS CONSERVATION AND  
THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
OF THE STATE OF MONTANA

In the matter of the adoption of New ) NOTICE OF PUBLIC HEARING ON  
Rule I pertaining to certification of ) PROPOSED ADOPTION  
carbon sequestration equipment )

To: All Concerned Persons

1. On October 5, 2015, at 9:00 a.m., the Department of Natural Resources and Conservation and the Board of Oil and Gas Conservation will hold a public hearing at 2535 St. Johns Avenue, Billings, Montana, to consider the proposed adoption of the above-stated rule.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the board no later than September 28, 2015, to advise us of the nature of the accommodation that you need. Please contact Jim Halvorson, Board of Oil and Gas Conservation, 2535 St. Johns Avenue, Billings, MT 59102; telephone (406) 656-0040; fax (406) 655-6015; e-mail jhalvorson@mt.gov.

3. The rule as proposed to be adopted provides as follows:

NEW RULE I CERTIFICATION OF CARBON SEQUESTRATION  
EQUIPMENT (1) For the purposes of this rule, "operator" means:

(a) the owner or operator of a carbon sequestration project approved by a state or federal agency; or

(b) the owner or operator of a closed-loop enhanced oil recovery operation located within an enhanced recovery project approved by the board.

(2) An operator who wishes to obtain a certificate of eligibility for classification of carbon sequestration equipment or equipment used in a closed-loop enhanced oil recovery project as class fifteen property under 15-6-158(4)(b), MCA (2015), must simultaneously file with the board a copy of the application for tax abatement under 15-24-3111, MCA, that is filed with the Department of Environmental Quality.

(3) Eligible equipment includes:

(a) equipment used to inject or retain carbon dioxide which is located within a carbon sequestration project authorized by the responsible state or federal agency; and

(b) equipment used to inject or maintain carbon dioxide in a closed-loop enhanced oil recovery operation that is downstream of the pipeline meter used to measure the amount of carbon dioxide delivered to the closed-loop enhanced oil recovery operation. Pipelines eligible for certification under ARM 17.80.204 are not considered enhanced oil recovery operation equipment.

(4) Within 30 days of receipt of an application pursuant to (2), board staff shall determine whether the application is complete and notify the applicant in writing of its determination.

(a) If the application is incomplete, the written notice shall identify deficiencies.

(b) The applicant may supplement the application to address the deficiencies or submit a new application.

(5) If the application is determined to be complete and eligible for certification under 15-6-158(4)(b), MCA (2015), within 60 days of the determination, board staff shall certify in writing to the applicant and the Department of Revenue that the equipment is eligible for certification.

(6) If an application is determined by board staff not to be eligible for certification, the operator may file a petition for hearing of the application, which must be filed in triplicate with the board. Upon receipt of the petition, the board will set a hearing date for the application, and cause notice of the hearing to be published as provided in 82-11-141, MCA.

(7) By January 31 of each subsequent calendar year, the operator of equipment certified under 15-6-158(4)(b), MCA (2015), must file with the board:

(a) a copy of the report submitted to the Department of Environmental Quality as required under ARM 17.80.225. For closed-loop enhanced recovery operations this report must include:

(i) changes in the numbers and locations of wells and equipment; and

(ii) a report disclosing the volume of the carbon dioxide injected and the volume retained during the previous tax year; and

(b) documentation to identify and describe any catastrophic or unforeseen occurrences that contributed to a carbon dioxide retention rate of less than 85 percent.

(8) The operator must remain in substantial compliance with any rules, laws, orders, and permit conditions applicable to the project.

(9) Carbon sequestration equipment as defined in 15-6-158(2)(c), MCA, which was placed in service after January 1, 2014, and certified by the Department of Environmental Quality before October 1, 2015, is exempt from the requirements of this rule and is already certified by the board.

AUTH: 15-6-158, 82-11-111, MCA

IMP: 15-6-158, 82-11-141, MCA

REASONABLE NECESSITY: HB 156 (Session Laws of Montana 2015, Chapter No. 407, Section 2, to be codified at 15-6-158(5)(b), MCA [2015]) requires the board to: "...promulgate rules specifying procedures, including timeframes for certification application, and definitions necessary to identify carbon sequestration equipment for certification and compliance." In addition to certification, it also requires the board to: "...identify and track compliance in the use of carbon sequestration equipment...." This rule is reasonably necessary for the board to comply with the requirements of HB 156.



4. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted in writing to Jim Halvorson, Board of Oil and Gas Conservation, 2535 St. Johns Avenue, Billings, MT 59102; telephone (406) 656-0040; fax (406) 655-6015; or e-mail [jhalvorson@mt.gov](mailto:jhalvorson@mt.gov), and must be received no later than 5:00 p.m. on October 8, 2015.

5. Jim Halvorson, Board of Oil and Gas Conservation, has been designated to preside over and conduct the public hearing.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding conservation districts and resource development, forestry, oil and gas conservation, trust land management, water resources, or a combination thereof. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to Lucy Richards, P.O. Box 201601, 1625 Eleventh Avenue, Helena, MT 59620; fax (406) 444-2684; e-mail [lrichards@mt.gov](mailto:lrichards@mt.gov); or may be made by completing a request form at any rules hearing held by the department.

7. An electronic copy of this proposal notice is available through the department's web site at <http://www.dnrc.mt.gov>. The department strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered.

8. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted by e-mail on August 20, 2015.

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the adoption of the above-referenced rule will not significantly and directly impact small businesses.

/s/ John E. Tubbs  
JOHN E. TUBBS  
Director  
Natural Resources and Conservation

/s/ Tommy Butler  
TOMMY BUTLER  
Rule Reviewer

/s/ Linda Nelson  
LINDA NELSON  
Board Chair, Board of Oil and Gas Conservation

Certified to the Secretary of State August 31, 2015.

BEFORE THE SECRETARY OF STATE  
OF THE STATE OF MONTANA

In the matter of the adoption of New	)	NOTICE OF PUBLIC HEARING ON
Rules I through IV, amendment of	)	PROPOSED ADOPTION,
ARM 44.15.101, and repeal of ARM	)	AMENDMENT, AND REPEAL
44.15.104, pertaining to notaries	)	
public	)	

TO: All Concerned Persons

1. On October 1, 2015, at 10:00 a.m., the Secretary of State will hold a public hearing in the Secretary of State's Office Conference Room, Room 260, State Capitol Building, Helena, Montana, to consider the proposed adoption, amendment, and repeal of the above-stated rules.

2. The Secretary of State will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Secretary of State no later than 5:00 p.m. on September 17, 2015, to advise us of the nature of the accommodation that you need. Please contact Jorge Quintana, Secretary of State's Office, P.O. Box 202801, Helena, MT 59620-2801; telephone (406) 431-7718; fax (406) 444-4249; TDD/Montana Relay Service (406) 444-9068; or e-mail [jquintana@mt.gov](mailto:jquintana@mt.gov).

3. The rules as proposed to be adopted provide as follows:

NEW RULE I NOTIFICATION TO SECRETARY OF STATE OF CHANGE IN INFORMATION

(1) A notary public shall notify the Secretary of State within 30 calendar days of any change in the information on file with the Secretary of State, using the form prescribed by the Secretary of State, including the notary public's:

- (a) name;
- (b) physical/residential address;
- (c) mailing address;
- (d) personal e-mail address;
- (e) personal telephone number;
- (f) employer's name, address, or telephone number; and
- (g) use of electronic notarization technology.

(2) When a notary public changes the notary name on file with the Secretary of State, the notary public shall file with the Secretary of State:

- (a) a rider or other document issued by the notary's surety company showing the change of name; and
- (b) a written example of the notary's new official signature using the form prescribed by the Secretary of State.

(3) A notary public shall notify the Secretary of State within 14 calendar days of:

- (a) being convicted of a felony or crime involving fraud, dishonesty, or deceit;

- (b) being found in any legal proceeding or disciplinary action to have acted fraudulently, dishonestly, or deceitfully; or
- (c) having a notary commission denied, revoked, or restricted in a state other than Montana.

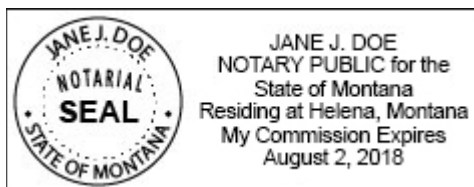
AUTH: Ch. 391, Sec. 25, L. 2015

IMP: Ch. 391, Sec. 16, L. 2015

REASON: Section (1) is reasonably necessary to ensure a notary public may be readily contacted if a question or issue arises about a notarial act performed by the notary public and to ensure the information provided in the Secretary of State's online "Find a Montana Notary" is accurate. Subsection (2)(a) is reasonably necessary to ensure the requisite bond is in place and (2)(b) is reasonably necessary to help detect and prevent fraud in the performance of notarial acts. Section (3) is reasonably necessary to ensure all commissioned notaries public possess the honesty, integrity, and reliability to act as a notary public.

**NEW RULE II OFFICIAL STAMP** (1) The official stamp of a notary public, whether the impression is on a tangible or electronic record, shall:

- (a) be rectangular in shape and approximately 1" by 2½" in size;
- (b) be in blue or black ink;
- (c) have a circular seal to the left that includes the words "notarial seal," the words "State of Montana," and the notary public's name as it appears on the notary public's certificate of commission;
- (d) have a block of text to the right of the seal that includes:
  - (i) the notary public's printed name as it appears on the notary public's certificate of commission;
  - (ii) the words "Notary Public for the State of Montana";
  - (iii) the words "Residing at" immediately followed by the name of the city or town and state where the notary public lives; and
  - (iv) the words "My Commission Expires" immediately followed by the notary public's commission expiration date, expressed in terms of the month (spelled out), day, and four-digit year;
- (e) have a plain rectangular border enclosing the text and seal; and
- (f) be in the general format illustrated below:



AUTH: Ch. 391, Sec. 25, L. 2015

IMP: Ch. 391, Sec. 13, L. 2015

REASON: This rule is reasonably necessary to ensure conformity of the notary public stamp, which will help detect and deter fraudulent notarizations.

NEW RULE III REAL-TIME, TWO-WAY AUDIO-VIDEO NOTARIZATIONS  
(REMOTE NOTARIZATIONS)

(1) Real-time, two-way audio-video notarizations (remote notarizations) shall only be performed using technology that allows the individuals communicating to simultaneously see and speak to one another.

(2) When performing remote notarizations, the signal transmission shall be live, real time.

(3) All remote notarizations shall be recorded electronically.

(4) Prior to performing any remote notarization, the notary public shall inform all individuals participating in the notarization that the notarization will be electronically recorded.

(5) All recordings of remote notarizations shall include a recitation by the notary public that includes the following:

(a) the notary public's name;

(b) a declaration that all individuals participating in the remote notarization have been informed by the notary public that the notarization will be electronically recorded;

(c) the date and time the notarial act is being performed;

(d) the state and county in which the notarial act is being performed;

(e) the type of notarial act that is being performed;

(f) the type or title of record that is being notarized;

(g) whether the notarial act is being performed on a tangible or electronic record;

(h) whether the individual for whom the notarial act is being performed is being identified by personal knowledge or credible witness; and

(i) if a record is being executed, an acknowledgement that the person for whom the notarial act is being performed has the competency or capacity to execute the record.

(6) All recordings of remote notarizations shall include a recitation by the individual for whom the notarial act is being performed that includes the following:

(a) the individual's name;

(b) the state in which the individual legally resides;

(c) a declaration that the signature made on the record being notarized is that of the individual;

(d) the date the individual signed the record being notarized; and

(e) a declaration that the signature made on the record being notarized was made by the individual knowingly or voluntarily.

(7) If the individual for whom the notarial act is being performed is being identified by personal knowledge, the recording of the remote notarization shall include an explanation by the notary public as to how the notary public has come to know the individual for whom the notarial act is being performed and the length of time the notary public has known the individual.

(8) If the individual for whom the notarial act is being performed is being identified by credible witness:

(a) the credible witness shall be in the physical presence of the notary public; and

(b) the recording of the remote notarization shall include:

- (i) a statement by the notary public as to whether the notary public identified the credible witness by personal knowledge or satisfactory evidence; and
- (ii) an explanation by the credible witness as to how the credible witness has come to know the individual for whom the notarial act is being performed and the length of time the credible witness has known the individual.

AUTH: Ch. 391, Sec. 25, L. 2015  
IMP: Ch. 391, Sec. 12, L. 2015

REASON: This rule is reasonably necessary to ensure a record of each remote notarization is created that can be used to help verify that the notarial act performed was authorized by, and completed in accordance with, Montana statutory law.

NEW RULE IV FEES FOR NOTARIAL ACTS (1) A notary public may charge a fee in accordance with Ch. 391, Sec. 23, L. of 2015 for traveling to perform a notarial act.

AUTH: Ch. 391, Sec. 25, L. 2015  
IMP: Ch. 391, Sec. 23, L. 2015

REASON: This rule is reasonably necessary to clarify that notaries public may charge a fee for traveling to perform notarial acts, so long as that fee is in accordance with statutory mandates/limitations.

4. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

44.15.101 APPLICATION FOR A COMMISSION AS A NOTARY PUBLIC

- (1) A person seeking a commission as a notary public shall make an application on a form prescribed by the Secretary of State ~~which contains that~~ includes the following information:
- (a) applicant's name of the applicant;
  - (b) applicant's date of birth;
  - ~~(b)~~(c) applicant's physical/residential address, e-mail address, and phone number and mailing address;
  - (d) applicant's personal e-mail address;
  - (e) applicant's personal telephone number;
  - ~~(e)~~(f) applicant's name of employer's name, address, and telephone number;
  - ~~(d)~~ employer's address, e-mail address, and phone number;
  - ~~(e)~~ date of birth;
  - ~~(f)~~(g) the date of expiration of the applicant's current notary commission expires (if applicable); and
  - ~~(g)~~(h) the name under which the applicant's previous commission was issued if different than the name used on the application (if applicable); and
  - (i) whether or not the applicant intends to provide electronic notarization services, and, if so, the identification of the tamper-proof technology the applicant intends to use.

- (2) The application ~~must~~ shall indicate if the applicant:
- (a) ~~has been a resident of the state of Montana for over one year~~ is at least 18 years old;
  - (b) ~~is at least 18 years old~~ is a citizen or permanent legal resident of the United States;
  - (c) is a resident of or has a place of employment or practice in Montana;
  - (d) can read and write English;
  - ~~(e)~~(e) has been convicted of a felony or crime involving fraud, dishonesty, or deceit within the last 10 years; and
  - (f) has been found in any legal proceeding or disciplinary action within the last 10 years to have acted fraudulently, dishonestly, or deceitfully; and
  - ~~(d)~~(g) has had a notary commission or bond denied, revoked, or restricted in any state within the last 10 years.
- (3) remains the same.
- (4) An applicant who is not currently commissioned as a notary public shall submit with the application a certificate proving the applicant has passed a notary public examination approved by the Secretary of State.

AUTH: ~~2-4-201, MCA Ch. 391, Sec. 25, L. 2015~~  
IMP: ~~1-5-405, MCA Ch. 391, Sec. 16, L. 2015~~

REASON: These amendments are reasonably necessary to implement the requirements of Senate Bill 306 which was passed by the 2015 Montana Legislature and is effective October 1, 2015. That bill updated and revised the existing notarial laws.

5. The Secretary of State proposes to repeal the following rule:

44.15.104 CANCELLATION OF COMMISSION

AUTH: 2-4-201, MCA  
IMP: 1-5-104, 1-5-405, 2-4-604, MCA

REASON: This rule contains language that is inconsistent with Senate Bill 306 which was passed by the 2015 Montana Legislature. Repealing this rule will eliminate those inconsistencies.

6. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Jorge Quintana, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801, or by e-mailing [jquintana@mt.gov](mailto:jquintana@mt.gov), and must be received no later than 5:00 p.m., October 9, 2015.

7. Jorge Quintana, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801, has been designated to preside over and conduct the hearing.

8. The Secretary of State maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding administrative rules, corporations, elections, notaries, records, uniform commercial code, or combination thereof. Such written request may be mailed or delivered to the Secretary of State's Office, Administrative Rules Services, 1236 Sixth Avenue, P.O. Box 202801, Helena, MT 59620-2801, faxed to the office at (406) 444-4263, or may be made by completing a request form at any rules hearing held by the Secretary of State's Office.

9. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

10. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted by letter on August 17, 2015.

/s/ JORGE QUINTANA  
Jorge Quintana  
Rule Reviewer

/s/ LINDA MCCULLOCH  
Linda McCulloch  
Secretary of State

Dated this 31st day of August, 2015.

BEFORE THE SECRETARY OF STATE  
OF THE STATE OF MONTANA

In the matter of the adoption of New Rule I and amendment of ARM 44.5.122 pertaining to fees charged by the Secretary of State ) AMENDED NOTICE AND ) EXTENSION OF COMMENT ) PERIOD ON PROPOSED ) ADOPTION AND AMENDMENT

TO: All Concerned Persons

1. On July 30, 2015, the Secretary of State published MAR Notice No. 44-2-206 pertaining to the public hearing on the proposed adoption and amendment of the above-stated rules at page 1038 of the 2015 Montana Administrative Register, Issue Number 14.

2. The Secretary of State will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Secretary of State no later than 5:00 p.m. on September 17, 2015, to advise us of the nature of the accommodation that you need. Please contact Jorge Quintana, Secretary of State's Office, P.O. Box 202801, Helena, Montana, 59620-2801; telephone (406) 431-7718; fax (406) 444-4249; TDD/Montana Relay Service (406) 444-9068; or e-mail [jquintana@mt.gov](mailto:jquintana@mt.gov).

3. The Secretary of State is extending the comment period to amend the statement of reasonable necessity for ARM 44.5.122 because the proposed fee decrease did not include the statement required by 2-4-302(1)(c), MCA.

4. The statement of reasonable necessity is being amended as follows, new matter underlined, deleted matter interlined:

REASON: House Bill 123 passed by the 2015 Montana Legislature prohibits the Secretary of State from charging the Legislature or a public officer for any search relative to matters pertaining to the member's office. This legislative change makes it reasonably necessary to amend this rule to reflect that legislative intent. The Secretary of State is proposing this rule amendment to become effective October 1, 2015. The cumulative amount for all persons of the proposed decrease is approximately \$20,500.00 annually based on 2014 charges for government registered principals searches. The number of persons affected is between 15 and 20 state agencies.

5. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Jorge Quintana, Secretary of State's Office, P.O. Box 202801, Helena, Montana, 59620-2801; telephone (406) 431-7718; fax (406) 444-4249; TDD/Montana Relay Service (406) 444-9068; or e-mail [jquintana@mt.gov](mailto:jquintana@mt.gov), and must be received no later than 5:00 p.m., September 25, 2015.



/s/ JORGE QUINTANA  
Jorge Quintana  
Rule Reviewer

/s/ LINDA MCCULLOCH  
Linda McCulloch  
Secretary of State

Dated this 31st day of August, 2015.

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS  
OF THE STATE OF MONTANA

In the matter of the adoption of a ) NOTICE OF ADOPTION OF A  
temporary emergency rule closing the ) TEMPORARY EMERGENCY RULE  
Yellowstone River Wildlife )  
Management Area in Yellowstone )  
County )

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule:

- (a) A wildfire is burning in the Yellowstone River Wildlife Management Area.
- (b) Persons recreating in the Yellowstone River Wildlife Management Area would be subjected to erratic and unpredictable fire conditions posing a danger of:
  - (i) becoming surrounded and trapped by the fire;
  - (ii) becoming a potential burden to rescue and fire crews; or
  - (iii) death.

(c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 17 of the 2015 Montana Administrative Register.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on September 18, 2015, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; or e-mail [kgangstad@mt.gov](mailto:kgangstad@mt.gov).

3. The temporary emergency rule is effective August 21, 2015, when this rule notice is filed with the Secretary of State.

4. The text of the temporary emergency rule provides as follows:

RULE I YELLOWSTONE RIVER WILDLIFE MANAGEMENT AREA  
TEMPORARY EMERGENCY CLOSURE (1) The Yellowstone River Wildlife Management Area is located in Yellowstone County.

(2) The Yellowstone River Wildlife Management Area is closed to all public occupation, hunting, and recreation.

(3) This rule is effective as long as there is fire threatening the Yellowstone River Wildlife Management Area.

(4) This rule will expire as soon as the department determines the Yellowstone River Wildlife Management Area is again safe for occupation and recreation. This will depend on the extent and duration of the fire in the area. Signs restricting use of the Yellowstone River Wildlife Management Area will be removed when the rule is no longer effective.

AUTH: 2-4-303, 23-1-106, MCA

IMP: 2-4-303, 23-1-106, MCA

5. The rationale for the temporary emergency rule is as set forth in paragraph 1.

6. Concerned persons are encouraged to submit their comments to the department. They should submit their comments along with their names and addresses to Bob Gibson, Department of Fish, Wildlife and Parks, 2300 Lake Elmo Drive, Billings, MT 59105; or e-mail bgibson@mt.gov. Any comments must be received no later than September 25, 2015.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be made by completing the request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

/s/ Mike Volesky

Mike Volesky

Chief of Staff

Department of Fish, Wildlife and Parks

/s/ Aimee Fausser

Aimee Fausser

Rule Reviewer

Certified to the Secretary of State August 21, 2015.

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS  
OF THE STATE OF MONTANA

In the matter of the adoption of a ) NOTICE OF ADOPTION OF A  
temporary emergency rule closing ) TEMPORARY EMERGENCY RULE  
Murphy Lake in Lincoln County )

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule:

(a) Multiple wildfires are burning in the Kootenai National Forest.

(b) Fire suppression efforts include several helicopters bucketing water from Murphy Lake.

(c) The closure is necessary so helicopter crews can safely operate and maneuver without potential collisions with recreationists on the lake. The closure is also necessary so recreationists, including those with limited maneuverability, are not subject to potential collision with large, heavy water buckets suspended from helicopters.

(d) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 17 of the 2015 Montana Administrative Register.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on September 25, 2015, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

3. The temporary emergency rule is effective August 24, 2015, when this rule notice is filed with the Secretary of State.

4. The text of the temporary emergency rule provides as follows:

RULE I MURPHY LAKE TEMPORARY EMERGENCY CLOSURE

(1) Murphy Lake is located in Lincoln County.

(2) Murphy Lake is closed to all public occupation and recreation including, but not limited to, floating, swimming, wading, and boating.

(3) This rule is effective as long as the lake is needed as a source of water for fire suppression efforts. This will depend on the extent and duration of the fire in

the area. Posted signs regarding the emergency closure will be removed when the rule is no longer effective.

AUTH: 2-4-303, 87-1-303, MCA

IMP: 2-4-303, 87-1-303, MCA

5. The rationale for the temporary emergency rule is as set forth in paragraph 1.

6. Concerned persons are encouraged to submit their comments to the department. They should submit their comments along with their names and addresses to Lee Anderson, Department of Fish, Wildlife and Parks, 490 North Meridian Rd, Kalispell, MT 59901; or e-mail [leeanderson@mt.gov](mailto:leeanderson@mt.gov). Any comments must be received no later than October 9, 2015.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be made by completing the request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

/s/ Sue Daly

Sue Daly

Acting Director

Department of Fish, Wildlife and Parks

/s/ William Schenk

William Schenk

Rule Reviewer

Certified to the Secretary of State August 24, 2015.

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS  
OF THE STATE OF MONTANA

In the matter of the adoption of a ) NOTICE OF ADOPTION OF A  
temporary emergency rule closing the ) TEMPORARY EMERGENCY RULE  
Forks Fishing Access Site in Mineral )  
County )

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule:

- (a) A wildfire is burning in the Fish Creek Drainage area in Mineral County.
- (b) Persons recreating on the Forks Fishing Access Site would be subjected to erratic and unpredictable fire conditions posing a danger of:
  - (i) becoming surrounded and trapped by the fire;
  - (ii) becoming a potential burden to rescue and fire crews; or
  - (iii) death.
- (c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 17 of the 2015 Montana Administrative Register.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on September 25, 2015, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

3. The temporary emergency rule is effective August 27, 2015, when this rule notice is filed with the Secretary of State.

4. The text of the temporary emergency rule provides as follows:

RULE I FORKS FISHING ACCESS SITE TEMPORARY EMERGENCY CLOSURE (1) The Forks Fishing Access Site is located in Mineral County.

(2) The Forks Fishing Access Site is closed to all public occupation, hunting, and recreation.

(3) This rule is effective as long as there is fire threatening the Forks Fishing Access Site.

(4) This rule will expire as soon as the department determines the Forks Fishing Access Site is again safe for occupation and recreation. This will depend on

the extent and duration of the fire in the area. Signs restricting use of the Forks Fishing Access Site will be removed when the rule is no longer effective.

AUTH: 2-4-303, 87-1-303, MCA

IMP: 2-4-303, 87-1-303, MCA

5. The rationale for the temporary emergency rule is as set forth in paragraph 1.

6. Concerned persons are encouraged to submit their comments to the department. They should submit their comments along with their names and addresses to Sharon Rose, Department of Fish, Wildlife and Parks, 3201 Spurgin Rd, Missoula, MT 59804; or e-mail shrose@mt.gov. Any comments must be received no later than October 9, 2015.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be made by completing the request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

/s/ Sue Daly

Sue Daly

Acting Director

Department of Fish, Wildlife and Parks

/s/ Zach Zipfel

Zach Zipfel

Rule Reviewer

Certified to the Secretary of State August 27, 2015.

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS  
OF THE STATE OF MONTANA

In the matter of the adoption of a ) NOTICE OF ADOPTION OF A  
temporary emergency rule closing the ) TEMPORARY EMERGENCY RULE  
Clark Fork River from Cyr Bridge )  
Fishing Access Site to Tarkio Fishing )  
Access Site in Mineral County )

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule:

(a) The West Fork Fish Creek Fire is burning in the Alberton Gorge section of the Clark Fork River.

(b) Fire suppression efforts include several helicopters bucketing water from the Clark Fork River.

(c) Persons recreating on this stretch of the Clark Fork River would be subjected to erratic and unpredictable fire conditions posing a danger of:

(i) becoming surrounded and trapped by the fire;

(ii) becoming a potential burden to rescue and fire crews;

(iii) potential collisions with large, heavy water buckets suspended from helicopters; or

(iv) death.

(d) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 17 of the 2015 Montana Administrative Register.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on September 25, 2015, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

3. The temporary emergency rule is effective August 31, 2015, when this rule notice is filed with the Secretary of State.

4. The text of the temporary emergency rule provides as follows:

RULE I CLARK FORK RIVER TEMPORARY EMERGENCY CLOSURE



(1) The Alberton Gorge portion of the Clark Fork River is located in Mineral County.

(2) The Clark Fork River from Cyr Bridge Fishing Access Site to Tarkio Fishing Access Site is closed to all public occupation and recreation including, but not limited to, floating, swimming, wading, and boating.

(3) This rule is effective as long as there is fire threatening this portion of the Clark Fork River.

(4) This rule will expire as soon as the department determines this section of the Clark Fork River is again safe for occupation and recreation. This will depend on the extent and duration of the fire in the area.

AUTH: 2-4-303, 87-1-303, MCA

IMP: 2-4-303, 87-1-303, MCA

5. The rationale for the temporary emergency rule is as set forth in paragraph 1.

6. Concerned persons are encouraged to submit their comments to the department. They should submit their comments along with their names and addresses to Chrissy Oschell, Department of Fish, Wildlife and Parks, 3201 Spurgin Rd, Missoula, MT 59804; or e-mail COschell@mt.gov. Any comments must be received no later than October 9, 2015.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be made by completing the request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

/s/ Mike Volesky

Mike Volesky

Chief of Staff

Department of Fish, Wildlife and Parks

/s/ Zach Zipfel

Zach Zipfel

Rule Reviewer

Certified to the Secretary of State August 31, 2015.

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS  
OF THE STATE OF MONTANA

In the matter of the adoption of a ) NOTICE OF ADOPTION OF A  
temporary emergency rule closing the ) TEMPORARY EMERGENCY RULE  
Cyr Bridge Fishing Access Site in )  
Mineral County )

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule:

(a) The West Fork Fish Creek Fire is burning in the Alberton Gorge section of the Clark Fork River.

(b) Persons recreating on the Cyr Bridge Fishing Access Site would be subjected to erratic and unpredictable fire conditions posing a danger of:

(i) becoming surrounded and trapped by the fire;

(ii) becoming a potential burden to rescue and fire crews; or

(iii) death.

(c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 17 of the 2015 Montana Administrative Register.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on September 25, 2015, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

3. The temporary emergency rule is effective August 31, 2015, when this rule notice is filed with the Secretary of State.

4. The text of the temporary emergency rule provides as follows:

RULE I CYR BRIDGE FISHING ACCESS SITE TEMPORARY EMERGENCY CLOSURE (1) The Cyr Bridge Fishing Access Site is located in Mineral County.

(2) The Cyr Bridge Fishing Access Site is closed to all public occupation and recreation.

(3) This rule is effective as long as there is fire threatening the Cyr Bridge Fishing Access Site.

(4) This rule will expire as soon as the department determines the Cyr Bridge Fishing Access Site is again safe for occupation and recreation. This will depend on the extent and duration of the fire in the area. Signs restricting use of the Cyr Bridge Fishing Access Site will be removed when the rule is no longer effective.

AUTH: 2-4-303, 87-1-303, MCA

IMP: 2-4-303, 87-1-303, MCA

5. The rationale for the temporary emergency rule is as set forth in paragraph 1.

6. Concerned persons are encouraged to submit their comments to the department. They should submit their comments along with their names and addresses to Chrissy Oschell, Department of Fish, Wildlife and Parks, 3201 Spurgin Rd, Missoula, MT 59804; or e-mail COschell@mt.gov. Any comments must be received no later than October 9, 2015.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be made by completing the request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

/s/ Mike Volesky

Mike Volesky

Chief of Staff

Department of Fish, Wildlife and Parks

/s/ Zach Zipfel

Zach Zipfel

Rule Reviewer

Certified to the Secretary of State August 31, 2015.

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS  
OF THE STATE OF MONTANA

In the matter of the adoption of a ) NOTICE OF ADOPTION OF A  
temporary emergency rule closing the ) TEMPORARY EMERGENCY RULE  
Middle Osprey Fishing Access Site in )  
Mineral County )

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule:

(a) The West Fork Fish Creek Fire is burning in the Alberton Gorge section of the Clark Fork River.

(b) Persons recreating on the Middle Osprey Fishing Access Site would be subjected to erratic and unpredictable fire conditions posing a danger of:

(i) becoming surrounded and trapped by the fire;

(ii) becoming a potential burden to rescue and fire crews; or

(iii) death.

(c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 17 of the 2015 Montana Administrative Register.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on September 25, 2015, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

3. The temporary emergency rule is effective August 31, 2015, when this rule notice is filed with the Secretary of State.

4. The text of the temporary emergency rule provides as follows:

RULE I MIDDLE OSPREY FISHING ACCESS SITE TEMPORARY EMERGENCY CLOSURE (1) The Middle Osprey Fishing Access Site is located in Mineral County.

(2) The Middle Osprey Fishing Access Site is closed to all public occupation and recreation.

(3) This rule is effective as long as there is fire threatening the Middle Osprey Fishing Access Site.

(4) This rule will expire as soon as the department determines the Middle Osprey Fishing Access Site is again safe for occupation and recreation. This will depend on the extent and duration of the fire in the area. Signs restricting use of the Middle Osprey Fishing Access Site will be removed when the rule is no longer effective.

AUTH: 2-4-303, 87-1-303, MCA

IMP: 2-4-303, 87-1-303, MCA

5. The rationale for the temporary emergency rule is as set forth in paragraph 1.

6. Concerned persons are encouraged to submit their comments to the department. They should submit their comments along with their names and addresses to Chrissy Oschell, Department of Fish, Wildlife and Parks, 3201 Spurgin Rd, Missoula, MT 59804; or e-mail COschell@mt.gov. Any comments must be received no later than October 9, 2015.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be made by completing the request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

/s/ Mike Volesky

Mike Volesky

Chief of Staff

Department of Fish, Wildlife and Parks

/s/ Zach Zipfel

Zach Zipfel

Rule Reviewer

Certified to the Secretary of State August 31, 2015.

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS  
OF THE STATE OF MONTANA

In the matter of the adoption of a ) NOTICE OF ADOPTION OF A  
temporary emergency rule closing the ) TEMPORARY EMERGENCY RULE  
Lower Osprey Fishing Access Site in )  
Mineral County )

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule:

(a) The West Fork Fish Creek Fire is burning in the Alberton Gorge section of the Clark Fork River.

(b) Persons recreating on the Lower Osprey Fishing Access Site would be subjected to erratic and unpredictable fire conditions posing a danger of:

(i) becoming surrounded and trapped by the fire;

(ii) becoming a potential burden to rescue and fire crews; or

(iii) death.

(c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 17 of the 2015 Montana Administrative Register.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on September 25, 2015, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

3. The temporary emergency rule is effective August 31, 2015, when this rule notice is filed with the Secretary of State.

4. The text of the temporary emergency rule provides as follows:

RULE I LOWER OSPREY FISHING ACCESS SITE TEMPORARY EMERGENCY CLOSURE (1) The Lower Osprey Fishing Access Site is located in Mineral County.

(2) The Lower Osprey Fishing Access Site is closed to all public occupation and recreation.

(3) This rule is effective as long as there is fire threatening the Lower Osprey Fishing Access Site.

(4) This rule will expire as soon as the department determines the Lower Osprey Fishing Access Site is again safe for occupation and recreation. This will depend on the extent and duration of the fire in the area. Signs restricting use of the Lower Osprey Fishing Access Site will be removed when the rule is no longer effective.

AUTH: 2-4-303, 87-1-303, MCA

IMP: 2-4-303, 87-1-303, MCA

5. The rationale for the temporary emergency rule is as set forth in paragraph 1.

6. Concerned persons are encouraged to submit their comments to the department. They should submit their comments along with their names and addresses to Chrissy Oschell, Department of Fish, Wildlife and Parks, 3201 Spurgin Rd, Missoula, MT 59804; or e-mail COschell@mt.gov. Any comments must be received no later than October 9, 2015.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be made by completing the request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

/s/ Mike Volesky

Mike Volesky

Chief of Staff

Department of Fish, Wildlife and Parks

/s/ Zach Zipfel

Zach Zipfel

Rule Reviewer

Certified to the Secretary of State August 31, 2015.

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS  
OF THE STATE OF MONTANA

In the matter of the adoption of a ) NOTICE OF ADOPTION OF A  
temporary emergency rule closing the ) TEMPORARY EMERGENCY RULE  
Tarkio East Fishing Access Site in )  
Mineral County )

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule:

(a) The West Fork Fish Creek Fire is burning in the Alberton Gorge section of the Clark Fork River.

(b) Persons recreating on the Tarkio East Fishing Access Site would be subjected to erratic and unpredictable fire conditions posing a danger of:

(i) becoming surrounded and trapped by the fire;

(ii) becoming a potential burden to rescue and fire crews; or

(iii) death.

(c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 17 of the 2015 Montana Administrative Register.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on September 25, 2015, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

3. The temporary emergency rule is effective August 31, 2015, when this rule notice is filed with the Secretary of State.

4. The text of the temporary emergency rule provides as follows:

RULE I TARKIO EAST FISHING ACCESS SITE TEMPORARY EMERGENCY CLOSURE (1) The Tarkio East Fishing Access Site is located in Mineral County.

(2) The Tarkio East Fishing Access Site is closed to all public occupation and recreation.

(3) This rule is effective as long as there is fire threatening the Tarkio East Fishing Access Site.



(4) This rule will expire as soon as the department determines the Tarkio East Fishing Access Site is again safe for occupation and recreation. This will depend on the extent and duration of the fire in the area. Signs restricting use of the Tarkio East Fishing Access Site will be removed when the rule is no longer effective.

AUTH: 2-4-303, 87-1-303, MCA

IMP: 2-4-303, 87-1-303, MCA

5. The rationale for the temporary emergency rule is as set forth in paragraph 1.

6. Concerned persons are encouraged to submit their comments to the department. They should submit their comments along with their names and addresses to Chrissy Oschell, Department of Fish, Wildlife and Parks, 3201 Spurgin Rd, Missoula, MT 59804; or e-mail COschell@mt.gov. Any comments must be received no later than October 9, 2015.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be made by completing the request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

/s/ Mike Volesky

Mike Volesky

Chief of Staff

Department of Fish, Wildlife and Parks

/s/ Zach Zipfel

Zach Zipfel

Rule Reviewer

Certified to the Secretary of State August 31, 2015.

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS  
OF THE STATE OF MONTANA

In the matter of the adoption of a ) NOTICE OF ADOPTION OF A  
temporary emergency rule closing the ) TEMPORARY EMERGENCY RULE  
Ralph's Takeout Fishing Access Site )  
in Mineral County )

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule:

(a) The West Fork Fish Creek Fire is burning in the Alberton Gorge section of the Clark Fork River.

(b) Persons recreating on the Ralph's Takeout Fishing Access Site would be subjected to erratic and unpredictable fire conditions posing a danger of:

(i) becoming surrounded and trapped by the fire;

(ii) becoming a potential burden to rescue and fire crews; or

(iii) death.

(c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 17 of the 2015 Montana Administrative Register.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on September 25, 2015, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; or e-mail [kgangstad@mt.gov](mailto:kgangstad@mt.gov).

3. The temporary emergency rule is effective August 31, 2015, when this rule notice is filed with the Secretary of State.

4. The text of the temporary emergency rule provides as follows:

RULE I RALPH'S TAKEOUT FISHING ACCESS SITE TEMPORARY EMERGENCY CLOSURE (1) Ralph's Takeout Fishing Access Site is located in Mineral County.

(2) Ralph's Takeout Fishing Access Site is closed to all public occupation and recreation.

(3) This rule is effective as long as there is fire threatening Ralph's Takeout Fishing Access Site.

(4) This rule will expire as soon as the department determines Ralph's Takeout Fishing Access Site is again safe for occupation and recreation. This will depend on the extent and duration of the fire in the area. Signs restricting use of Ralph's Takeout Fishing Access Site will be removed when the rule is no longer effective.

AUTH: 2-4-303, 87-1-303, MCA

IMP: 2-4-303, 87-1-303, MCA

5. The rationale for the temporary emergency rule is as set forth in paragraph 1.

6. Concerned persons are encouraged to submit their comments to the department. They should submit their comments along with their names and addresses to Chrissy Oschell, Department of Fish, Wildlife and Parks, 3201 Spurgin Rd, Missoula, MT 59804; or e-mail COschell@mt.gov. Any comments must be received no later than October 9, 2015.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be made by completing the request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

/s/ Mike Volesky

Mike Volesky

Chief of Staff

Department of Fish, Wildlife and Parks

/s/ Zach Zipfel

Zach Zipfel

Rule Reviewer

Certified to the Secretary of State August 31, 2015.

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS  
OF THE STATE OF MONTANA

In the matter of the adoption of a ) NOTICE OF ADOPTION OF A  
temporary emergency rule closing the ) TEMPORARY EMERGENCY RULE  
Tarkio Fishing Access Site in Mineral )  
County )

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule:

(a) The West Fork Fish Creek Fire is burning in the Alberton Gorge section of the Clark Fork River.

(b) Persons recreating on the Tarkio Fishing Access Site would be subjected to erratic and unpredictable fire conditions posing a danger of:

(i) becoming surrounded and trapped by the fire;

(ii) becoming a potential burden to rescue and fire crews; or

(iii) death.

(c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 17 of the 2015 Montana Administrative Register.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on September 25, 2015, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

3. The temporary emergency rule is effective August 31, 2015, when this rule notice is filed with the Secretary of State.

4. The text of the temporary emergency rule provides as follows:

RULE I TARKIO FISHING ACCESS SITE TEMPORARY EMERGENCY CLOSURE (1) The Tarkio Fishing Access Site is located in Mineral County.

(2) The Tarkio Fishing Access Site is closed to all public occupation and recreation.

(3) This rule is effective as long as there is fire threatening the Tarkio Fishing Access Site.

(4) This rule will expire as soon as the department determines the Tarkio Fishing Access Site is again safe for occupation and recreation. This will depend on the extent and duration of the fire in the area. Signs restricting use of the Tarkio Fishing Access Site will be removed when the rule is no longer effective.

AUTH: 2-4-303, 87-1-303, MCA

IMP: 2-4-303, 87-1-303, MCA

5. The rationale for the temporary emergency rule is as set forth in paragraph 1.

6. Concerned persons are encouraged to submit their comments to the department. They should submit their comments along with their names and addresses to Chrissy Oschell, Department of Fish, Wildlife and Parks, 3201 Spurgin Rd, Missoula, MT 59804; or e-mail COschell@mt.gov. Any comments must be received no later than October 9, 2015.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be made by completing the request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

/s/ Mike Volesky

Mike Volesky

Chief of Staff

Department of Fish, Wildlife and Parks

/s/ Zach Zipfel

Zach Zipfel

Rule Reviewer

Certified to the Secretary of State August 31, 2015.

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS  
OF THE STATE OF MONTANA

In the matter of the adoption of a ) NOTICE OF ADOPTION OF A  
temporary emergency rule closing ) TEMPORARY EMERGENCY RULE  
Holter Lake from the point of Oxbow )  
Bend to Holter Lake Dam in Lewis )  
and Clark County )

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule:

- (a) The Bray wildfire is burning in the Bray Gulch near Holter Lake.
- (b) Fire suppression efforts include several scooper planes and helicopters scooping and bucketing water from Holter Lake.
- (c) The closure is necessary so helicopter and airplane crews can safely operate and maneuver without potential collisions with recreationists on the lake. The closure is also necessary so recreationists, including those with limited maneuverability, are not subject to potential collision with large, heavy water buckets suspended from helicopters.
- (d) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 17 of the 2015 Montana Administrative Register.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on September 25, 2015, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; or e-mail [kgangstad@mt.gov](mailto:kgangstad@mt.gov).

3. The temporary emergency rule is effective September 1, 2015, when this rule notice is filed with the Secretary of State.

4. The text of the temporary emergency rule provides as follows:

RULE I HOLTER LAKE TEMPORARY EMERGENCY CLOSURE (1) Holter Lake is located in Lewis and Clark County.

(2) Holter Lake is closed from the point of Oxbow Bend to the Holter Lake Dam to all public occupation and recreation including, but not limited to, floating, swimming, wading, and boating.

(3) This rule is effective as long as the lake is needed as a source of water for fire suppression efforts. This will depend on the extent and duration of the fire in the area. Posted signs regarding the emergency closure will be removed when the rule is no longer effective.

AUTH: 2-4-303, 87-1-303, MCA

IMP: 2-4-303, 87-1-303, MCA

5. The rationale for the temporary emergency rule is as set forth in paragraph 1.

6. Concerned persons are encouraged to submit their comments to the department. They should submit their comments along with their names and addresses to Gary Bertellotti, Department of Fish, Wildlife and Parks, 4600 Giant Springs Rd, Great Falls, MT 59405; or e-mail [gbertellotti@mt.gov](mailto:gbertellotti@mt.gov). Any comments must be received no later than October 9, 2015.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be made by completing the request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

/s/ M. Jeff Hagener

M. Jeff Hagener

Director

Department of Fish, Wildlife and Parks

/s/ William Schenk

William Schenk

Rule Reviewer

Certified to the Secretary of State September 1, 2015.

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY  
OF THE STATE OF MONTANA

In the matter of the adoption of New Rules I ) NOTICE OF ADOPTION  
through IX pertaining to vessel pumpout )  
facilities ) (VESSEL PUMPOUT FACILITIES)

TO: All Concerned Persons

1. On July 16, 2015, the Department of Environmental Quality published MAR Notice No. 17-370 regarding a notice of proposed adoption of the above-stated rules at page 881, 2015 Montana Administrative Register, Issue Number 13.

2. The department has adopted New Rule I (17.35.101), New Rule II (17.35.102), New Rule III (17.35.103), New Rule IV (17.35.104), New Rule V (17.35.105), New Rule VI (17.35.106), New Rule VII (17.35.107), New Rule VIII (17.35.108), and New Rule IX (17.35.109) exactly as proposed.

3. No public comments or testimony were received.

Reviewed by: DEPARTMENT OF ENVIRONMENTAL  
QUALITY

/s/ John F. North  
JOHN F. NORTH  
Rule Reviewer

By: /s/ Tom Livers  
TOM LIVERS, DIRECTOR

Certified to the Secretary of State, August 31, 2015.



BEFORE THE BOARD OF NURSING  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT AND  
ARM 24.159.1010 standards related ) ADOPTION  
to intravenous (IV) therapy, and the )  
adoption of NEW RULES I through IV )  
related to nurse licensure compact )

TO: All Concerned Persons

1. On May 14, 2015, the Board of Nursing (board) published MAR Notice No. 24-159-81 regarding the public hearing on the proposed amendment and adoption of the above-stated rules, at page 516 of the 2015 Montana Administrative Register, Issue No. 9.

2. On June 5, 2015, a public hearing was held on the proposed amendment and adoption of the above-stated rules in Helena. Several comments were received by the June 12, 2015, deadline.

3. The board has thoroughly considered the comments received. A summary of the comments and the board responses are as follows:

COMMENT 1: Several commenters expressed support for the amendment of ARM 24.159.1010. The commenters stated their understanding that the amendment will correct an inadvertent regulatory barrier prohibiting licensed practical nurses from mixing certain medications, a nursing task within the LPN scope of practice.

RESPONSE 1: The board appreciates all comments received in the rulemaking process. The board is amending this rule exactly as proposed.

COMMENT 2: Several commenters supported the adoption of New Rules I through IV to implement the nurse licensure compact, and offered some expectations as to the benefits of joining the nurse licensure compact.

RESPONSE 2: The board is adopting the new rules exactly as proposed and as required under the nurse licensure compact enacted by the 2015 legislature.

4. The board has amended ARM 24.159.1010 exactly as proposed.

5. The board has adopted NEW RULES I (ARM 24.159.501), II (24.159.504), III (24.159.507), and IV (24.159.510) exactly as proposed.

BOARD OF NURSING  
HEATHER O'HARA, RN, PRESIDENT

/s/ DARCEE L. MOE  
Darcee L. Moe  
Rule Reviewer

/s/ PAM BUCY  
Pam Bucy, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State August 31, 2015

## **NOTICE OF FUNCTION OF ADMINISTRATIVE RULE REVIEW COMMITTEE**

### **Interim Committees and the Environmental Quality Council**

Administrative rule review is a function of interim committees and the Environmental Quality Council (EQC). These interim committees and the EQC have administrative rule review, program evaluation, and monitoring functions for the following executive branch agencies and the entities attached to agencies for administrative purposes.

#### **Economic Affairs Interim Committee:**

- Department of Agriculture;
- Department of Commerce;
- Department of Labor and Industry;
- Department of Livestock;
- Office of the State Auditor and Insurance Commissioner; and
- Office of Economic Development.

#### **Education and Local Government Interim Committee:**

- State Board of Education;
- Board of Public Education;
- Board of Regents of Higher Education; and
- Office of Public Instruction.

#### **Children, Families, Health, and Human Services Interim Committee:**

- Department of Public Health and Human Services.

#### **Law and Justice Interim Committee:**

- Department of Corrections; and
- Department of Justice.

#### **Energy and Telecommunications Interim Committee:**

- Department of Public Service Regulation.

**Revenue and Transportation Interim Committee:**

- Department of Revenue; and
- Department of Transportation.

**State Administration and Veterans' Affairs Interim Committee:**

- Department of Administration;
- Department of Military Affairs; and
- Office of the Secretary of State.

**Environmental Quality Council:**

- Department of Environmental Quality;
- Department of Fish, Wildlife and Parks; and
- Department of Natural Resources and Conservation.

These interim committees and the EQC have the authority to make recommendations to an agency regarding the adoption, amendment, or repeal of a rule or to request that the agency prepare a statement of the estimated economic impact of a proposal. They also may poll the members of the Legislature to determine if a proposed rule is consistent with the intent of the Legislature or, during a legislative session, introduce a bill repealing a rule, or directing an agency to adopt or amend a rule, or a Joint Resolution recommending that an agency adopt, amend, or repeal a rule.

The interim committees and the EQC welcome comments and invite members of the public to appear before them or to send written statements in order to bring to their attention any difficulties with the existing or proposed rules. The mailing address is P.O. Box 201706, Helena, MT 59620-1706.

## HOW TO USE THE ADMINISTRATIVE RULES OF MONTANA AND THE MONTANA ADMINISTRATIVE REGISTER

Definitions: **Administrative Rules of Montana (ARM)** is a looseleaf compilation by department of all rules of state departments and attached boards presently in effect, except rules adopted up to three months previously.

**Montana Administrative Register (MAR or Register)** is a soft back, bound publication, issued twice-monthly, containing notices of rules proposed by agencies, notices of rules adopted by agencies, and interpretations of statutes and rules by the Attorney General (Attorney General's Opinions) and agencies (Declaratory Rulings) issued since publication of the preceding register.

### Use of the Administrative Rules of Montana (ARM):

- |               |   |
|---------------|---|
| Known Subject | 1. Consult ARM Topical Index.<br>Update the rule by checking the accumulative table and the table of contents in the last Montana Administrative Register issued. |
| Statute       | 2. Go to cross reference table at end of each number and title which lists MCA section numbers and department corresponding ARM rule numbers.                     |

## ACCUMULATIVE TABLE

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through June 30, 2015. This table includes those rules adopted during the period July 1, 2015, through September 30, 2015, and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not include the contents of this issue of the Montana Administrative Register (MAR or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through June 30, 2015, this table, and the table of contents of this issue of the Register.

This table indicates the department name, title number, rule numbers in ascending order, catchphrase or the subject matter of the rule, and the page number at which the action is published in the 2015 Montana Administrative Register.

To aid the user, the Accumulative Table includes rulemaking actions of such entities as boards and commissions listed separately under their appropriate title number.

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